IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15661 of 2005

DATED: 11.10.2007

Between:
B.Satyadev petitioner

And

Andhra Bank
(A govt of India undertaking)
Saifabad, Hyderabad
Rep by its General Manager (Personnel) & ors Respondents

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ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not appointing the petitioner in the cadre of sub staff in the existing vacancies in Kurnool district as illegal and arbitrary.

The petitioner claims that the he is working as temporary sub staff in respondent bank in Kurnool zone since 24.4.1989 and entitled for empanelment as sub staff in terms of the notification issued by the respondent bank in the year 1991. The petitioner further claims that he has worked as temporary sub staff at Srisailam branch during the period from 24.4.1989 to 8.5.1990 for 172 days and worked as casual labour during the period from 1989 to 1991 for 645 days. The respondent bank prepared a panel of sub staff wherein the petitioner was shown at serial no. 488. The petitioner alleges that while preparing the panel, only the service rendered as temporary sub staff was taken into consideration, ignoring the service rendered by him as casual labour. Thereafter,
in terms of the settlement arrived at by the respondent bank and the unions operating in the bank, the petitioner was called for interview and appointed as temporary sub staff vide proceedings dated 26.10.1995 and posted to Atmakur branch and worked continuously there till November, 2000. The respondent bank issued a circular dated 12.10.2000 advising all the branches to dispense with the services of all the temporary sub staff and not to extend their services beyond 17.10.2000. Questioning the said circular, petitioner filed W.P.No. 13534 of 2001 and in terms of the interim orders dated 5.7.2001, he is being continued as temporary
sub staff. Now, the case of the petitioner is that there are five vacancies of sub staff available in Kurnool district and ignoring his

claim, particulars of candidates at serial nos,489,491,493 were called for. Hence, the present writ petition.

A detailed counter affidavit is filed on behalf of the respondents stating that in terms of the settlement between the management and the union, a scheme was evolved and as per the said scheme, the temporary employees who had put in a minimum service of 90 days or more after 2.2.1982 are to be kept in panel for absorption in the permanent vacancies . It is further stated that as per the settlement dated 9.1.1995, only those temporary employees engaged by the bank during the period between 1.1.1982 to 31.12.1989 and who have responded to the press notification dated 28.10.1991 and 31.10.1991 and have put in 90 days or more and whose names are cleared by the Directorate General of Employment and Training, New Delhi alone are eligible for empanelment and consequential regular employment. It is specifically stated that all the earlier panels were merged and a panel in terms of the settlement dated 9.1.1995 was prepared wherein the name of the petitioner is at serial no.19 and so far the bank has absorbed the candidates upto serial no.16 in the Kurnool district panel and the case of the petitioner would be considered as per his turn.

The panel list prepared in terms of the settlement dated 9.1.1995 was disputed by the petitioner and the respondents filed an additional affidavit to the effect that in terms of the panel the persons upto serial no.16 were offered regular employment, out of which, first three persons have not joined the duty and the last candidate i.e., candidate at serial no.16 has put in 251 days.

Heard the learned counsel for petitioner and learned standing counsel for respondent-bank and perused the material available on record, including the panel prepared in terms of settlement dated 9.1.1995.

In terms of the settlement dated 9.1.1995, a panel was prepared as per the number of man days put in by respective candidates and the petitioner having put in 172 man days is placed at serial no.19. The candidates upto serial no.16 were already offered regular employment and except the first three candidates, who have not joined the duty, all other candidates joined the duty. The last candidate at serial number 16 of the panel has put in 251 man days and the petitioner and others are in queue for regular employment. Hence, the contention of the petitioner that ignoring his seniority, his juniors were offered regular employment, cannot be accepted. At this

stage, both the counsel agreed for disposal of the writ petition directing the respondents to consider the case of the petitioner as per his turn.

Accordingly the writ petition is disposed of directing the respondents to consider the case of the petitioner for regular employment in the respondent bank in terms of the panel for Kurnool district prepared pursuant to settlement dated 9.1.1995. No costs.

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N.V.RAMANA,J

DATE: 11.10.2007
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